



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**CHRISTOPHER TODD LANDECK,**

Petitioner,

v.

Civil Action No. **3:14CV89**

**SAMUEL V. PRUETT,**

Respondent.

**ORDER**

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED  
that:

1. The Report and Recommendation is ACCEPTED and ADOPTED;
2. Respondent's Motion to Dismiss (ECF No. 6) is GRANTED;
3. The Court DENIES Landeck's request to stay and abey the instant action;
4. The Court DISMISSES WITHOUT PREJUDICE Landeck's claims;
5. The Court DENIES WITHOUT PREJUDICE Landeck's § 2254 Petition (ECF No. 1);
6. The Court DISMISSES the action WITHOUT PREJUDICE;
7. The Court DENIES AS MOOT the Motion to Merge or Consolidate Cases (ECF No. 10) and the Motion to Amend (ECF No. 13); and,
8. The Court DENIES a certificate of appealability.

Should Landeck desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send the Memorandum Opinion and Order to Landeck and counsel of record.

And it is so ORDERED.

Date: *12-31-14*  
Richmond, Virginia

*/s/*  
James R. Spencer  
Senior U. S. District Judge